

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 75/449,634

_____)	
TWELVE ISLANDS SHIPPING)	
COMPANY LIMITED,)	
)	
Opposer,)	Opposition No. 115,494
)	
v.)	
)	
TROPICAL CHEESE INDUSTRIES, INC.)	
)	
Applicant)	
_____)	

BOX TTAB
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

MOTION TO SUBSTITUTE PARTY

Allied Domecq Spirits & Wine USA, Inc. ("Allied Domecq") hereby requests that it be joined or substituted in the above-referenced proceeding as Opposer as deemed appropriate by the Board, pursuant to TBMP Section 512. As set forth below, Allied Domecq is the successor in interest in this proceeding to Twelve Islands Shipping Company Limited ("Twelve Islands".)

As indicated by the U.S. Trademark Office recordation records, the marks and registrations identified by Twelve Islands in its Notice of Opposition ("the Malibu Marks") were assigned to Grand Metropolitan PLC, as recorded at Reel/Frame No. 1992/0902, who in turn

assigned the marks and registrations to UDV Amsterdam B.V., as recorded at Reel/Frame No. 1992/0865. The Malibu Marks were then assigned to Guinness United Distillers & Vintners Amsterdam B.V. as recorded at Reel/Frame No. 2361/0532.

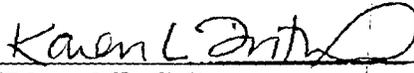
On May 23, 2002, pursuant to an agreement between the parties, Allied Domecq acquired all rights, title and interest in and to, *inter alia*, the Malibu Marks from Guinness United Distillers & Vintners Amsterdam B.V. A copy of the documents reflecting this assignment was filed on August 21, 2002 with the U.S. Trademark Office for recordation. Attached herewith is a copy of that filing.

Accordingly, Allied Domecq respectfully requests that it be joined or substituted as the Opposer to this proceeding as deemed appropriate by the Board. Further, it is respectfully requested that all correspondence in this matter directed to Allied Domecq be directed to:

Edward T. Colbert, Esq.
KENYON & KENYON
1500 K Street, NW
Washington, DC 20005
(202) 220-4200
(202)220-4201 (facsimile)

Respectfully submitted,
KENYON & KENYON

Dated: January 23, 2003


Edward T. Colbert
Karen L. Feisthamel
Kenyon & Kenyon
1500 K Street, N.W.
Washington, DC 20005
(202) 220-4200

Attorneys for Allied Domecq
Spirits & Wine USA, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2003, I caused a copy of the foregoing **MOTION TO SUBSTITUTE PARTY AND STIPULATED MOTION TO SUSPEND PROCEEDING** to be served by first class mail, postage prepaid, on all counsel and pro se parties of record at the following addresses:

Ezra Sutton
EZRA SUTTON, P.A.
Plaza 9
900 US Route 9
Woodbridge, New Jersey 07095

- and -

Carl H. Settlemyer
LUTZKER & LUTZKER
Suite 450
1000 Vermont Ave, N.W.
Washington, DC 20005



Karen L. Feisthamel

Trademark Trial and Appeal Board, and to receive all communications and notices relative thereto, including the certificate of registration.

Please direct all correspondence to:
Edward T. Colbert, Esq.
Kenyon & Kenyon
1500 K Street, N.W.
Washington, D.C. 20005
Tel. (202) 220-4200
Fax: (202) 220-4201

All previous former Powers of Attorney are hereby revoked.

ALLIED DOMEQ SPIRITS & WINE USA, INC.

Dated: January 23, 2003

By: Harold Gorman
Name: Harold Gorman
Title: Senior Vice President - General Counsel

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2003, I caused a copy of the foregoing **REVOCATION AND POWER OF ATTORNEY** to be served by first class mail, postage prepaid, on all counsel and pro se parties of record at the following addresses:

Ezra Sutton
EZRA SUTTON, P.A.
Plaza 9
900 US Hwy 9
Woodbridge, New Jersey 07095

- and -

Carl H. Settlemyer
LUTZKER & LUTZKER
Suite 450
1000 Vermont Ave, N.W.
Washington, DC 20005


Karen L. Feisthamel

THE TRADEMARK OFFICE DATE STAMP ACKNOWLEDGES RECEIPT OF: Industries
~~Applicant, Registrant, Parties:~~ Twelve Island Shipping Co. v. Tropical Cheese
No. (~~Application, Registration, Cancellation, Opposition~~) 115,494

Filing or Registration Date: _____

Mark TROPICAL + Design

- Trademark Application Specimen(s) Drawing
- Office Action Response
- Assignment
- Amendment to Allege Use Specimen(s)
- Statement of Use Specimen(s)
- Sec. 8 Decl. Sec. 15 Decl. Specimen(s)
- Renewal Application Specimen(s)
- Opposition Cancellation
- Request for Extension of Time to File (Statement of Use or Opposition)
- Check \$ _____ Check No.: _____
- Other Stipulated Request for Suspension

Atty/Secy CAB/MBS Docket No. 125.046 Date 5/24/01

ACTION DOCKETED Status/Susp. Granted?
 DUE DATE 7/2/01
 BY MBS ON 5/24/01

DOCKETED _____
 DUE DATE _____
 BY _____ ON _____

THE TRADEMARK OFFICE DATE STAMP ACKNOWLEDGES RECEIPT OF: Industries
 Applicant, Registrant, Parties: Twelve Island Shipping Co. v. Tropical Cheese
 No. (Application, Registration, Cancellation, Opposition) 115,494

Filing or Registration Date: _____

Mark TROPICAL + Design

- | | | | | | |
|-------------------------------------|--|--------------------------|---------------|--------------------------|-------------|
| <input type="checkbox"/> | Trademark Application | <input type="checkbox"/> | Specimen(s) | <input type="checkbox"/> | Drawings |
| <input type="checkbox"/> | Office Action Response | | | | |
| <input type="checkbox"/> | Assignment | | | | |
| <input type="checkbox"/> | Amendment to Allege Use | <input type="checkbox"/> | Specimen(s) | | |
| <input type="checkbox"/> | Statement of Use | <input type="checkbox"/> | Specimen(s) | | |
| <input type="checkbox"/> | Sec. 8 Decl. | <input type="checkbox"/> | Sec. 15 Decl. | <input type="checkbox"/> | Specimen(s) |
| <input type="checkbox"/> | Renewal Application | <input type="checkbox"/> | Specimen(s) | | |
| <input type="checkbox"/> | Opposition | <input type="checkbox"/> | Cancellation | | |
| <input type="checkbox"/> | Request for Extension of Time to File (Statement of Use or Opposition) | | | | |
| <input type="checkbox"/> | Check \$ | Check No.: | | | |
| <input checked="" type="checkbox"/> | Other <u>Stipulated Request for Suspension</u> | | | | |

TRADEMARK OFFICE
 RECEIVED
 JULI MAY 24 P 2:03
 US PATENT & TRADEMARK OFFICE
 TRADEMARK FEE PROCESS.

Atty/Secy QAB/MBS Docket No. 125.046 Date 5/24/01



1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
202.220.4200
Fax 202.220.4201

Fax Transmission

Please deliver to:

Name	Company	Fax
Cheryl Goodman	TTAB	703.308.9333

From: **Karen L. Feisthamel**

Date: January 23, 2003

Client/Matter: 11873-81

Total number of pages: 11
(including cover)

Re: Opposition Proceeding No. 115,494
Serial No.: 75/449,634
Twelve Island Shipping Co., Ltd. v. Tropical Cheese Industries, Inc.

Please call 202.220.4224 if any pages were not received or are illegible.

Message:

As discussed, attached is a copy of the Stipulated Request for Suspension that was filed on May 24, 2001. In addition, attached is a copy of the Motion to Join or Substitute Party which we are filing today.

Please do not hesitate to contact me if there is further documentation required. My direct line is 202-220-4268.

Best regards,
KENYON & KENYON

Karen Feisthamel
Karen Feisthamel

Original will not follow Original will follow by Regular Mail Overnight Delivery Hand Delivery

The information contained in this facsimile transmission, including any attachments, is subject to the attorney-client privilege, the attorney work product privilege or is confidential information intended only for the use of the named recipient. If the reader of this Notice is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, so that we may arrange for its return or destruction at our cost. Thank you.